

REMARKS

This Application has been carefully reviewed in light of the Final Office Action dated March 20, 2008. Claims 57 and 61 have been amended and Claims 1, 3, 4, 6-9, and 11 have been cancelled. Applicant respectfully requests reconsideration and favorable action in this case.

Applicant's Summary of Interview

Applicant thanks the Examiner for the courtesy and opportunity to conduct the telephone interview on May 13, 2008. In the telephone interview, U.S. Patent No. 4,934,887 issued to Sharp et al. ("*Sharp*") and U.S. Patent No. 6,105,332 issued to Boyadjian ("*Boyadjian*") were discussed. During the interview, the patentability of Claim 57 was discussed. Applicant amended Claim 57 based on the information provided by the Examiner during the interview. For example, Claim 57 has been amended to recite "the protective sleeve having a first portion and a second portion, the second portion substantially perpendicular to the first portion" and "wherein the second portion of the protective sleeve is disposed between the piece of lumber and the building foundation to reduce movement of the protective sleeve in a direction substantially perpendicular to the opening."

Section 102 and 103 Rejections

Claims 1, 3, 4, 6-9, and 11 are rejected under 35 U.S.C. § 102(b) as being anticipated by *Sharp*. Applicant cancelled Claims 1, 3, 4, 6-9 and 11 rendering these rejections moot. Favorable action is requested.

Claims 57, 60, 61, 63, 64, and 67-72 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Sharp* in view of *Boyadjian*. Applicant respectfully traverses these rejections for the reasons stated below.

Claim 57, as amended, is allowable at least because the cited references do not teach or suggest "the protective sleeve having a first portion and a second portion, the second portion substantially perpendicular to the first portion" and "wherein the second portion of the protective sleeve is disposed between the piece of lumber and the building foundation to

reduce movement of the protective sleeve in a direction substantially perpendicular to the opening.” As stated by the Examiner in the interview, neither *Sharp* nor *Boyadjian* discloses the combination of “the protective sleeve having a first portion and a second portion, the second portion substantially perpendicular to the first portion” and “wherein the second portion of the protective sleeve is disposed between the piece of lumber and the building foundation to reduce movement of the protective sleeve in a direction substantially perpendicular to the opening.”

For at least these reasons, Applicant submits that Claim 57 is allowable, as are all claims depending therefrom. Reconsideration and favorable action are requested.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of all pending claims.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact their attorney at the number provided below.

Applicant believes that no fee is due. However, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to **Deposit Account No. 02-0384 of Baker Botts L.L.P.**

Respectfully submitted,
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